

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)	Docket No. 08-AFC-7
)	
Application For Certification)	STAFF'S PREHEARING CONFERENCE
GWF Tracy Combined Cycle Power Plant)	STATEMENT
)	
)	
)	

On November 2, 2009, the GWF Tracy Combined Cycle Power Plant Application for Certification Committee ("Committee") issued a Notice of Prehearing Conference and Evidentiary Hearing. In the Notice, the Committee set the date for the Conference as November 17, 2009, and ordered each party planning to participate in the Conference to serve and file a Prehearing Conference Statement. Each Statement is to specify the topic areas the party believes are ready for evidentiary hearings and those that are not, any disputed areas and a summary of each, witnesses and their qualifications, a summary of testimony to be offered and the time desired to present direct testimony, time desired for cross-examination, a list of exhibits, a proposed briefing schedule, and any proposed modifications to proposed Conditions of Certification.

Staff is prepared at this time to proceed to evidentiary hearings in all topic areas. On October 30, 2009, Staff issued its Final Staff Assessment (FSA), which constitutes Staff's written testimony in these proceedings and includes all of the expected witnesses' qualifications. Staff's testimony for each technical area is that, with the mitigation measures recommended by Staff, the proposed project will have no unmitigated significant adverse impacts. Staff does not anticipate filing any supplemental testimony or modifications to any of the Conditions of Certification at this time, but respectfully reserves the right to file such testimony at a later date if warranted. At this time, the FSA is the only exhibit Staff intends to offer as evidence.

Staff is the only party to this case that has filed formal, written testimony. Thus, at this time, Staff is unable to determine with any specificity the length or nature of any cross-examination of witnesses from other parties. Without having the benefit of reviewing other parties' testimony, Staff is unaware of any technical areas that may be disputed by the applicant or intervernors. At this time, Staff proposes to sponsor testimony into the record by written declaration of each witness. Staff Counsel plans to move the testimony and declarations into the record as if read without the presence of witnesses. Staff is planning on having the Project Manager, Alan Solomon, be available for questions. In addition, the Committee requested Staff address Air Quality, specifically Greenhouse Gas Emissions. Therefore, Matt Layton and Brewster Birdsall will also be in attendance. At the Committee's request, Staff will make available any other technical witnesses.

Proposed Schedule

Staff is prepared to proceed with evidentiary hearings in all topic areas. At this time, Staff is not aware of a need for briefs. If briefs are required, Staff proposes to have them due to the Committee within two weeks after the Hearing transcripts are made available to all parties.

DATED: November 12, 2009

Respectfully submitted,

/s/ Kerry Willis
KERRY A. WILLIS
Senior Staff Counsel